

A

REVIEW OF THE STATE OF THE BRITISH NATION.

Thursday, July 15. 1708.

I Spent a great Deal of Time in the Beginning of the *Reviews*, in giving you an Account of the Methods the King of France has taken to suppress Duelling in his Country, and to tell you how effectually he has done it — How easie and how honourably every Man, that is ill used, obtains Satisfaction there, and how all Manner of private Resentment is entirely forbidden and condemn'd.

I cannot but have Recourse to this Example in the Case I have been upon — Here are Gentlemen that have, as they think, been affronted — I shall not so much as enter into the Enquiry of the Affront, it is not my Busines, but the Question before me is, What is the proper Satisfaction

they can desire, or ought to exped, for a printed Slander, suppose it be so ; or what ought the Printer to do, and the Gentlemen to be content with ?

To come to this, it is needful to enter upon the State of *A Satisfaction of Honour*, and examine what it is. An Affront to a Gentleman's Honour, I conceive, consists in Breach of *Decency*, or Breach of *Truth*, or Breach of *Peace* ; the First implies an undue Contempt put upon his Person, such as spitting in his Face, calling him any ill Names, unmannerly Reflection or Reproaches, and the like. — The Second implies a false Charge upon him, scandalizing and slandering with something he is not guilty of ; for by the way, no Man can call it an Affront,

but to

but upon a Supposition it is not true which is charged on him.

This (the Third implies assaulting his Person, of which I need not speak at this time) puts me in mind of a famous Trial before the Court of the Mareschals of France, for an Affront offer'd to a Gentleman; I have the Story from good Hands, tho' I shall not enter upon Names; two Gentlemen quarrel, and one tells the other he is a Coward and a Liar—The Friends on either hand prevent drawing of Swords, and the Matter is brought before the Mareschal *De Humieres*; the Gentleman that had given the Names, every one expected should fall under a severe Censure, and the Complainant's Agents had run it up to all the Height of Aggravation they could—But when it came to the Defendants Turn to plead, he produced two Breviates or Certifications with sufficient Proof attested by Notaries; first that he had been broke, or cashier'd as we call it, at *Roses* in *Catalonia*, and turn'd out of the Army for quitting his Post in Time of Action, and so was declar'd a Coward—And another, that he had been sentenc'd in the Parliament of *Bourdeaux*, (I think it was *Bourdeaux*) and punish'd either by Fine or Imprisonment, or both, for Forgery. This appear'd so justifiable a Ground for any Man to call him Coward and Liar—that it quite turn'd the Cause, and the Court of the Mareschal gave this remarkable Sentence—They would not justifie the calling those Names to any Gentleman, lest Pretences of Proof should encourage future Quarrels—but they declared the Person infamous, and so that no Right of Reparation was due to him in Case of an Affront—But this by the way, and I note it to distinguish in the Matters of Affront, Truth can be no Slander; and from hence it is, that the Law ought to be the only Remedy against a Slander, because the Law only can judge of the Injury; for every thing that grates upon a Man will be call'd a Slander, if the Man, tho' never so guilty, shall be his own Judge, and shall have the Power.

It follows to examine now, what extra-judicial Methods of Satisfaction there are to be had for this second Head of Affront—

These are such as asking Pardon, acknowledging the Mistake, retracting the thing said, and the like—He that does either of these gives full Satisfaction, so far as a Man of Honour ought to require—And he that carries his Resentment higher than that, is no Man of Honour, but a Murtherer—And if you will promise me, Gentlemen, not to ask Names, I'll tell you another Story.

Two Gentlemen falling out in their Drink; One, whose Passion was at that time less under Government than usual, gave the other very ill Language, and provok'd him very much; Friends kept them from Fighting at that time, but some Days after the Gentleman who was injur'd found a Time to meet the other, and telling him how foully he had treated him, told him he expected Satisfaction of him: The Gentleman told him, he was ready to acknowledge it in any Terms he please'd; For, says he, you know, Sir, I was in Drink, and I do not remember what I said; Therefore, whatever it was, I ask you Pardon, and am very sorry I gave you any ill Usage—That won't do, reply'd the other, I shall not take that for Satisfaction, and so they parted for that time; another Time he meets this Gentleman in the Street, and desires to speak with him, taking him aside, You know what is between You and I, says he—I must have Satisfaction. What Satisfaction would you have, says the other? Have I not begg'd your Pardon, and acknowledg'd I wrong'd you, what can any Man do more? —That won't do, you must fight me, returns the other—No, no, says he, you won't insist upon that, when I crave you Pardon—Nothing would do with this Man of Passion—but he must have Satisfaction by the Sword—which the other Gentleman, after shunning it by all the ways he possibly could, was forced to—and the Man of Revenge had Satisfaction; for the other being a Man of Courage, at the first Pass run him thro' the Body—I must add another thing to that; Before he dy'd, for he liv'd two or three Days, he charged all his Friends never to prosecute the Gentleman, for that it was all his own Fault, and he had forced the Gentleman to fight against his Will. I think, this Story is very

very pertinent to the Case ; these are *Customary Methods*.

It may now be ask'd me, but what Satisfaction can be given for a Slander, or a Reproach made publick by a Libeller, where the Exoneration of a Gentleman charg'd shall not extend as far as the Slander publish'd ?

I am not going to prescribe the Scots Gentlemen, who resent what it seems has been lately publish'd by the *Post-Boy* ; I have nothing to say to particular Case, let the *Post-Boy* act for himself — But in all such Cases it seems very equal, that if a News-Writer publishes any thing of a Gentleman which is not true, he ought in the same publick manner to acknowledge he was mistaken or misinform'd, and let the World know it was a Mistake — For in all equitable Reparations the Acknowledgment should be as publick as the Offence, else it is not equal. — For a Man to call a Woman Whore in publick, and then ask her Pardon in private, is no Reparation at all — and therefore in the Sciences of Reparation frequently pass'd in France, it is common to make a Gentleman go to the same Place, or to summon the same Company, and ask Pardon ; and the Reason is plain, the Offence is no otherwise to be wiped out — And this is sufficient Reparation in any Part of the World.

As to demanding of a Man to publish or to inform the Person offended, who told such or such a thing, in order to carry on a farther Resentment, no Man is oblig'd to that, and Abundance of Reasons make it not to be demanded : First of all I may have heard Peoples Opinions in private Discourse, where they have related what they have heard, and their Authors back again farther, and so on thro' Multitudes of Hands ; of all which perhaps not one might have any ill Design against the Person, and this would have endless Consequences, mischievous and unaccountable.

Yet in all this Discourse, for I desire to be impartial, I shall be far from encouraging Misrepresentations, Slanders, or false Accounts of Mens Actions to be publish'd, I shun it with the utmost Dilligence myself, and I cannot but think, every Man that is concerned in publick Matters,

printing or writing Books or News-Papers, ought to shun it with the utmost Care ; and if the evil Consequences of Misrepresentations were to be calculated, it would make any wise Man cautious of what he says that way.

I'll give but two Examples at this time of the Mischief of Misrepresentation, and they both relate to *Scotland*, and are both fresh in your Memories no longer ago than the late Attempt of the *French* to invade us ; one is general, the other particular.

1. A general Misrepresentation — Of the *Presbyterians* in *Scotland* as being resolved to joyn with the *French*, in order to dissolve the Union, which they were supposed to be generally against.

What Prejudices against them, what Clamours at them, what Apprehensions of them, did this create, and how generally was it receiv'd in *England*, that all those People in *Scotland*, who were against the Union, must of consequence be for the Invasion ! How did we run upon them in *England* in our scandalous Discourse, and how were some People in *England* upbraided with them ! — Whereas upon the Appearance of the Enemy, and when the good People began to be justly allarm'd with a *Popish* and *French* Invasion, none were more zealous for the general Defence, even of that Union they were openly averse to, than these very abused People we are speaking of — I have in a late *Review* given you some Account of Letters I have had the Honour to receive from the late Lord *Beilhaven* ; I will not say that noble Person has not been a sad Instance of these Misrepresentations — But in one of his Lordship's Letters I find this Expression —

I think fit to assure you, that the Body of the Presbyterians of this Nation, who were against the Union, however they may be, as you say, surly and angry too, will yet generally oppose any French Invasion, and are honest and true to the present Settlement — Let but any Man reflect upon the Censures we pass'd, and the Jealousies we entertain'd of these People, when the French were.